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FEB 10 2003

Applicant: Patentee: BATTAGLIA et al.Attorney's Dkt. No. 2694-16Serial Patent No.: 09/149,448Issued: September 9, 1998For: PORTABLE DATA TRANSFER AND MASS STORAGE DEVICE FOR REMOVABLE MEMORY MODULES**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY****STATUS [37 CFR 1.27(a)(2)] - SMALL BUSINESS CONCERN**

I hereby declare that I am



the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN SmartDisk CorporationADDRESS OF CONCERN 3506 Mercantile Avenue, Naples, Florida 34104

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.802, and in 37 CFR 1.27(a)(2), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled:

PORTABLE DATA TRANSFER AND MASS STORAGE DEVICE FOR REMOVABLE MEMORY MODULES

by inventors

BATTAGLIA et al.

described in

☐ the specification filed herewith.☒ application Serial No. 09/149,448, filed September 9, 1998☐ patent No. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each person, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person who could not qualify as a person under 37 CFR 1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2), or a nonprofit organization under 37 CFR 1.27(a)(3).

Name _____

Address _____

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

Name _____

Address _____

☐ Person ☐ Small Business Concern ☐ Nonprofit Organization

*The above verified statement is requested from each person, concern or organization named immediately above having rights to the invention, averring to his/her/its status as a small entity. (37 CFR 1.27)

I acknowledge the duty to file, in this application of patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.27(g)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INDIVIDUAL SIGNING Michael S. BattagliaTITLE IN ORGANIZATION CEOADDRESS OF INDIVIDUAL SIGNING 3506 Mercantile Avenue, Naples, Florida 34104SIGNATURE Michael S. Battaglia DATE 2/10/03

RECEIVED

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